

HOUSE BILL NO. 87

INTRODUCED BY G. MASOLO

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A ONE-STOP DELIVERY SYSTEM FOR ADMINISTERING THE SEPARATE WORKFORCE INVESTMENT, EDUCATIONAL, AND OTHER HUMAN RESOURCE PROGRAMS; PROVIDING FOR STATE AND LOCAL WORKFORCE INVESTMENT BOARDS TO PLAN, OPERATE, AND OVERSEE THE ONE-STOP DELIVERY SYSTEM; UPDATING THE STATE'S UNEMPLOYMENT INSURANCE LAWS BY SUBSTITUTING "WORKFORCE INVESTMENT ACT OF 1998" FOR CURRENT REFERENCES TO THE JOB TRAINING PARTNERSHIP ACT; AMENDING SECTION 39-51-2602, MCA; REPEALING SECTIONS 53-2-1101, 53-2-1102, 53-2-1103, 53-2-1104, 53-2-1105, 53-2-1106, 53-2-1107, 53-2-1108, 53-2-1109, AND 53-2-1110, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Legislative findings and intent.** (1) The legislature finds and declares

that:

(a) many Montanans need access to information and high quality services in order to manage their careers; and

(b) Montana businesses need skilled workers.

(2) It is the intent of the legislature to establish and continually improve a workforce development system that:

(a) streamlines services through better integration in a one-stop delivery system;

(b) empowers individuals to make informed decisions about their careers and career preparation;

(c) provides for universal access;

(d) calls for increased accountability through a series of performance indicators and consumer reports;

(e) focuses on promoting personal responsibility; and

(f) efficiently provides services to guarantee maximum impacts.



1

2 **NEW SECTION.** **Section 2. Definitions.** For the purposes of [sections 1 through 7], unless the
3 context otherwise requires, the following definitions apply:

4 (1) "Act" means the federal Workforce Investment Act of 1998, Public Law 105-220 (29 U.S.C.
5 2801, et seq.).

6 (2) "Local board" means a local workforce investment board provided for in [section 4].

7 (3) "One-stop center" means one or more entities designated or certified under section 121(d) of
8 the Act (29 U.S.C. 2841(d)).

9 (4) "One-stop delivery system" means a system under which entities responsible for administering
10 separate workforce investment, educational, and other human resource programs and funding sources
11 collaborate to create a seamless system of service delivery to enhance access to the programs' services
12 and improve long-term employment outcomes for individuals receiving assistance.

13 (5) "State board" means the state workforce investment board provided for in [section 3].

14 (6) "Workforce investment area" means a local area designated by the governor in accordance
15 with section 116 of the Act (29 U.S.C. 2831).

16

17 **NEW SECTION.** **Section 3. State workforce investment board -- membership -- duties.** (1) There
18 is a state workforce investment board.

19 (2) The state board consists of:

20 (a) the governor or a person designated by the governor to act on behalf of the governor;

21 (b) two members of the house of representatives, each from a different political party, and two
22 members of the senate, each from a different political party, appointed by the presiding officer of each
23 respective chamber; and

24 (c) individuals appointed by the governor, including:

25 (i) representatives of businesses located in Montana who:

26 (A) are owners of businesses, chief executive or operating officers, and other business executives
27 or employers with optimum policymaking or hiring authority, including business members of local boards;
28 and

29 (B) represent businesses with employment opportunities that reflect the employment opportunities
30 in Montana;

- 1 (ii) chief elected officials of local government;
- 2 (iii) representatives of labor organizations;
- 3 (iv) representatives of individuals and organizations who have experience with respect to youth
4 activities;
- 5 (v) representatives of individuals and organizations who have experience and expertise in the
6 delivery of workforce investment activities;
- 7 (vi) representatives of the state agencies who are responsible for the programs and activities that
8 are carried out by the one-stop centers, including but not limited to:
- 9 (A) the department of commerce;
- 10 (B) the department of labor and industry;
- 11 (C) the department of public health and human services;
- 12 (D) the office of the commissioner of higher education; and
- 13 (E) the office of public instruction; and
- 14 (vii) other representatives that the governor may designate.
- 15 (3) The selection and appointment of members of the state board must follow the nominating
16 provisions of section 111 of the Act (29 U.S.C. 2821).
- 17 (4) The governor shall appoint enough individuals described in subsection (2)(c)(i) so that those
18 persons compose a majority of the membership of the state board.
- 19 (5) THE GOVERNOR SHALL CONSIDER THE SPECIAL NEEDS OF MONTANA'S HARD-TO-SERVE INDIAN POPULATION
20 AND THE STATE'S RELATIONSHIP WITH TRIBAL GOVERNMENTS WHEN MAKING APPOINTMENTS TO THE STATE BOARD.
- 21 ~~(5)~~(6) The state board shall perform the functions described in section 111 of the Act (29 U.S.C.
22 2821).
- 23
- 24 NEW SECTION. **Section 4. Local workforce investment boards.** (1) The chief elected official or
25 officials in each workforce investment area shall establish a local board to plan and carry out the duties
26 and responsibilities of the local board in each respective workforce investment area of the state.
- 27 (2) Selection of the local boards must be made using the criteria established by the governor and
28 the state board. The membership of the local board must be in accordance with the requirements of
29 section 117 of the Act (29 U.S.C. 2832).
- 30 (3) Each local board shall carry out the duties and responsibilities of a local board as provided in

1 section 117 of the Act (29 U.S.C. 2832).

2

3 **NEW SECTION. Section 5. Workforce investment program.** (1) There is a workforce investment
4 program to implement the provisions of Title I-B of the Act (29 U.S.C. 2801, et seq.), to operate the
5 one-stop delivery system to adults, dislocated workers, and youth.

6 (2) The one-stop delivery system must be administered in accordance with a 5-year strategic
7 statewide workforce investment plan that meets the requirements of section 112 of the Act (29 U.S.C.
8 2822). The strategic statewide plan must be created with the assistance of the state board.

9 (3) There must be a 5-year local workforce investment plan for each workforce investment area.
10 The local plan must be created by the local board. The local plan must meet the requirements of the state
11 plan and section 116 of the Act (29 U.S.C. 2831).

12

13 **NEW SECTION. Section 6. Performance indicators.** (1) The 5-year strategic statewide workforce
14 investment plan must contain performance indicators to measure the effectiveness and operation of the
15 programs identified in Title I-B of the Act (29 U.S.C. 2801, et seq.). The strategic statewide plan must
16 contain the expectation of continuous improvement, as negotiated with the secretary of the U.S.
17 department of labor, and conform to the requirements of section 112 of the Act (29 U.S.C. 2822).

18 (2) Each 5-year local workforce investment plan must include a description of the local levels of
19 performance to be used to measure the performance of the local area and to be used by the local board
20 for measuring the performance of the one-stop delivery system and the one-stop centers providing services
21 in the local area. The local plan must include the performance accountability systems required by section
22 136 of the Act (29 U.S.C. 2871).

23

24 **NEW SECTION. Section 7. Coordination of services.** (1) The state board shall assist the governor
25 in developing and continuously improving the statewide system of activities that are provided within the
26 state workforce investment systems by:

27 ~~(1)~~(A) developing linkages in order to ensure coordination among the programs described in section
28 121(b) of the Act (29 U.S.C. 2841(b)); and

29 ~~(2)~~(B) reviewing local plans, which include a description of the one-stop delivery system to be
30 established or designated in the local area.

1 (2) LOCAL BOARDS SHALL COORDINATE SERVICES PROVIDED TO INDIANS WITH PROVIDERS OFFERING SERVICES
 2 PURSUANT TO SECTION 166 OF THE ACT (29 U.S.C. 2911) AND PROVIDERS OFFERING SERVICES PURSUANT TO THE
 3 INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES DEMONSTRATION ACT OF 1992, PUBLIC LAW 102-477 (25
 4 U.S.C. 3401).

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6 **Section 8.** Section 39-51-2602, MCA, is amended to read:

7 **"39-51-2602. Approved training under federal programs.** (1) Notwithstanding any other provisions
 8 of this chapter, an otherwise eligible individual may not be denied benefits for any week:

9 (a) because of participation in training approved under ~~Section~~ section 236(a)(1) of the federal
 10 Trade Act of 1974 (19 U.S.C. 2296) or under ~~Title III of the federal Job Training Partnership Act (29~~
 11 ~~U.S.C. 1501, et seq.)~~ Title I-B of the Workforce Investment Act of 1998 (29 U.S.C. 2801, et seq.) when
 12 the individual is receiving Title I-B services as a dislocated worker;

13 (b) because of participation in approved training described in subsection (1)(a) by reason of leaving
 14 work to enter the training if the work left is not suitable employment; or

15 (c) because of the application to any ~~such~~ week in training of the provisions in this chapter or any
 16 federal unemployment insurance law administered by this agency, relating to availability for work, active
 17 search for work, or refusal to accept work.

18 (2) For purposes of this section, "suitable employment" means work of a substantially equal or
 19 higher skill level than the individual's past adversely affected employment, as defined for purposes of the
 20 federal Trade Act of 1974 ~~and the federal Job Training Partnership Act~~, and for which the wages are not
 21 less than 80% of the individual's average weekly wage as determined for the purposes of the federal Trade
 22 Act of 1974 ~~and the federal Job Training Partnership Act.~~"

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24 NEW SECTION. Section 9. Repealer. Sections 53-2-1101, 53-2-1102, 53-2-1103, 53-2-1104,
 25 53-2-1105, 53-2-1106, 53-2-1107, 53-2-1108, 53-2-1109, and 53-2-1110, MCA, are repealed.

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27 NEW SECTION. SECTION 10. NOTIFICATION TO TRIBAL GOVERNMENTS. THE SECRETARY OF STATE SHALL
 28 SEND A COPY OF [THIS ACT] TO EACH TRIBAL GOVERNMENT LOCATED ON THE SEVEN MONTANA RESERVATIONS AND TO
 29 THE LITTLE SHELL BAND OF CHIPPEWA, AND THE MONTANA UNITED INDIAN ASSOCIATION.

30

1 NEW SECTION. **Section 11. Codification instruction.** [Sections 1 through 7] are intended to be
2 codified as an integral part of Title 53, chapter 2, and the provisions of Title 53, chapter 2, apply to
3 [sections 1 through 7].

4

5 NEW SECTION. **Section 12. Severability.** If a part of [this act] is invalid, all valid parts that are
6 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its
7 applications, the part remains in effect in all valid applications that are severable from the invalid
8 applications.

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10 NEW SECTION. **Section 13. Effective date.** [This act] is effective July 1, 2001.

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